

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6629

BILL NUMBER: HB 1489

DATE PREPARED: Dec 9, 1998

BILL AMENDED:

SUBJECT: Hunting while intoxicated.

FISCAL ANALYST: Brian Tabor

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill prohibits hunting while intoxicated. It provides that a person who hunts in Indiana impliedly consents to submit to a chemical test to determine if alcohol is present in the person's blood, breath, urine, or other bodily substance. The bill provides that a person who hunts with a blood or breath alcohol count of at least 0.10% or while intoxicated commits a Class C misdemeanor. The offense is increased to: (1) a Class D felony if the person has a previous conviction for hunting while intoxicated; or (2) a Class C felony if the offense results in the death of another person.

The bill also permits a court to order a person convicted of hunting while intoxicated not to hunt for one or two years. It provides that a person who hunts after being ordered not to hunt commits a Class A misdemeanor. Courts would be permitted to revoke a person's hunting license for two years if the person has committed a felony offense of hunting while intoxicated.

Effective Date: July 1, 1999.

Explanation of State Expenditures: This proposal establishes criminal penalties for hunting while under the influence of alcohol or controlled substances. If an individual has been previously convicted of hunting while intoxicated, any subsequent violation would be considered a Class D felony. Causing serious injury to another person as a result of hunting while intoxicated would also constitute a Class D felony.

A Class D felony is punishable by a prison term ranging from 6 months to 3 years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,500 in FY 97. Individual facility expenditures range from \$11,000 to \$27,000. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily per prisoner. The average length of stay in DOC facilities for all Class D felony offenders is approximately seven months.

If the death of an individual (other than the offender) results from hunting while intoxicated, the offense would be increased to a Class C felony. Class C felonies are punishable by a prison term ranging from 2 to 8 years depending upon mitigating and aggravating circumstances. The average length of stay in DOC facilities for all Class C felony offenders is approximately one year, seven months.

The number of criminal cases that would result due to the provisions of this bill is unknown. The Law Enforcement Division of the Department of Natural Resources (DNR) reports that there is no information available regarding the number of alcohol-related hunting incidents in Indiana.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund could increase. By simply hunting while intoxicated, the offender would be guilty of a Class C misdemeanor, for which the maximum fine is \$500. In addition to criminal penalties, this bill also authorizes the court to bar offenders from hunting for one or two years. Violating the court-ordered restriction on hunting would be a Class A misdemeanor. The maximum fine for a Class A misdemeanor is \$5,000.

As stated previously, this bill establishes repeat offenses and the cause of bodily harm or death to another person (as a result of hunting while intoxicated) as felonies. The maximum fine for Class C and D felonies is \$10,000.

Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, county or municipal court (courts of record), 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: A Class C misdemeanor is punishable by up to 60 days in jail. A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44. Felony defendants may also be detained in county jails prior to their court hearings, also at a cost of \$44 per day.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed, and if collected would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed, and if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Col. Larry Allen, Director, Law Enforcement Division, DNR, (317) 232-4010.